

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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:
HOWARD HESS DENTAL LABORATORIES :
INCORPORATED and PHILIP GUTTIEREZ d/b/a :
DENTURES PLUS, on behalf of themselves and all others :
similarly situated, :
:
Plaintiffs, : C.A. No. 99-255 (SLR)
:
-against- :
:
DENTSPLY INTERNATIONAL, INC., :
:
Defendant. :
:
----- X

[PROPOSED] ORDER

At Wilmington, this _____ day of _____ 2008,

WHEREAS, by Memorandum Opinion (D.I. 271) and Order (D.I. 272), the Court denied Plaintiffs' motion for summary judgment and injunctive relief based on Count II;

WHEREAS, all other Counts, and all other claims for relief based on Count II have been dismissed, with prejudice; and

WHEREAS, Plaintiffs have reserved their right to appeal from this order, and from all prior adverse orders not previously appealed from;

THEREFORE, IT IS ORDERED that:

1. The Complaint is dismissed with prejudice; and
2. Pursuant to 28 U.S.C. § 1291, entry of this order shall constitute entry of a "final decision" in the above-captioned matter.

United States District Judge